

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CLYDE ERNEST HARPER,

Plaintiff,

vs.

STATE OF NEBRASKA, and STATE OF  
IOWA,

Defendants.

**8:24CV106**

**MEMORANDUM AND ORDER**

On March 4, 2024, Plaintiff Clyde Ernest Harper filed an unsigned Motion for Leave to Proceed in Forma Pauperis (“IFP”), [Filing No. 2](#), in the United States District Court for the Southern District of New York. On March 15, 2024, the matter was transferred to this Court, and on April 2, 2024, the Clerk of Court advised Plaintiff that his IFP Motion was unsigned and therefore deficient. The Clerk of Court directed Plaintiff to “correct the deficiency” (i.e., file a signed Complaint) within 14 days, or the pleading “may be stricken from the record of this case.” [Filing No. 9](#) (text notice of deficiency). Plaintiff has failed to follow the Clerk of Court’s directions.<sup>1</sup>

Accordingly, the Court shall order Plaintiff to file a signed IFP Motion that complies with [Federal Rule of Civil Procedure 11](#) and the Court’s Local Rules. This matter cannot proceed until the foregoing deficiency is corrected. FAILURE TO CORRECT THE DEFECT WITHIN 30 DAYS WILL RESULT IN DISMISSAL OF THE COMPLAINT WITHOUT FURTHER NOTICE.

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<sup>1</sup> Plaintiff did file what the Court docketed as a Motion, [Filing No. 10](#), on April 22, 2024, but the Motion does not address the signature deficiency in Plaintiff’s IFP Motion. Rather, Plaintiff appears to request “a court order so OCC will give [him his] money.” [Id. at 3](#).

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to correct the above-listed technical defect on or before **May 24, 2024**. Failure to comply with this Memorandum and Order will result in dismissal of this matter without prejudice and without further notice.
2. The Clerk of Court is directed to send to Plaintiff a copy of his IFP Motion, [Filing No. 2 at 1–2](#).
3. The Clerk of Court is directed to set a pro se case management deadline in this matter with the following text: **May 24, 2024**: deadline to submit signed IFP Motion.
4. No further review of this case shall take place until Plaintiff complies with this Memorandum and Order.

Dated this 24th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge